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District of Nevada
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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHRISTOPHER COTTON,

Defendant.

Case No. 2:19-CR-139-APG-EJY

**STIPULATION TO CONTINUE
SENTENCING HEARING**
(First Request)

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, through Nicholas A. Trutanich, United States Attorney, and Linda Mott, Assistant United States Attorney, counsel for the United States of America, and Rene Valladares, Federal Public Defender, and Paul Riddle, Assistant Public Defender, counsel for Christopher Cotton, that the sentencing hearing currently scheduled for April 22, 2020, be vacated and re-set for no sooner than sixty (60) days, or at a date and time convenient to this Court.

The Stipulation is entered into for the following reasons:

1. On March 30, 2020, Chief Judge Miranda Du issued a general order regarding the use of video and telephone conferencing, under certain circumstances and with the consent of the defendant, for various criminal hearings during the course of the COVID-19 emergency. Chief Judge Du also incorporated the prior findings regarding

1 Covid-19 and the current state of emergency declarations and guidelines as set forth in
2 these prior general orders. Particularly pertinent is Temporary General Order 2020-04,
3 which strives to eliminate in-person appearances in this district.

4 2. In the Chief Judge's order, she noted that on March 27, 2020, Congress
5 passed the "Coronavirus Aid, Relief, and Economic Security Act" ("CARES Act") which
6 authorizes the use of video and telephone conferencing, under certain circumstances and
7 with the consent of the defendant, for various criminal hearings during the course of the
8 COVID-19 emergency. On March 29, 2020, the Judicial Conference of the United States
9 also found that emergency conditions due to the national emergency declared by the
10 President have affected and will materially affect the functioning of the federal courts
11 generally.

12 3. The Chief Judge authorized the use of video conferencing or telephone
13 conferencing if video conferencing is not reasonably available, for all events listed in
14 Section 15002 of the CARES Act, and found that felony pleas under Rule 11 of the Federal
15 Rules of Criminal Procedure and felony sentencings under Rule 32 of the Federal rules of
16 Criminal Procedure cannot be conducted in person without seriously jeopardizing public
17 health and safety. As a result, if a judge in an individual case finds, for specific reasons,
18 that a felony plea or sentencing in that case cannot be further delayed without serious harm
19 to the interests of justice, the judge may, with the consent of the defendant, and after
20 consultation with counsel, use video conferencing, or teleconferencing if video
21 conferencing is not available, for felony pleas or sentencings.

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1 4. Counsel for the defendant and the government are in agreement that the
2 sentencing in this case can be further delayed, and does not rise to the level of a serious
3 harm to the interests of justice.

4 5. All parties agree to the continuance.

5 6. This is the first stipulation to continue filed herein.

6 DATED this 14th day of April, 2019.

7 NICHOLAS A. TRUTANICH
8 United States Attorney

9 */s/ Linda Mott*

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11 LINDA MOTT
12 Assistant United States Attorney

13 */s/ Paul Riddle*

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15 PAUL RIDDLE
16 Counsel for Defendant
17 Christopher Cotton
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1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 CHRISTOPHER COTTON,

7 Defendant.

Case No. 2:19-CR-139-APG-EJY

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER**

8 **FINDINGS OF FACT**

9 Based on the pending Stipulation of counsel, and good cause appearing therefore,
10 the Court finds that:

11 1. Counsel for the government and counsel for Defendant Cotton agree to
12 continue the current sentencing hearing of April 22, 2020.

13 2. The defendant is in custody and agrees to a continuance of 60 days.

14 3. All parties agree to the continuance.

15 4. The additional time requested herein is not sought for purposes of delay and
16 the denial of this request could result in the miscarriage of justice.

17 **CONCLUSIONS OF LAW**

18 The ends of justice served by granting said continuance outweigh the best interest
19 of the public and the defendant in a speedy trial, since the failure to grant said continuance
20 would be likely to result in a miscarriage of justice, would deny the parties herein sufficient
21 time and the opportunity within which to be able to effectively and thoroughly prepare for
22 trial, taking into account the exercise of due diligence. The continuance sought
23 herein is excludable under the Speedy Trial Act, Title 18, United States Code,

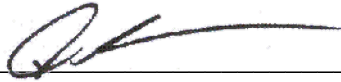
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1 Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section
2 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

3 **ORDER**

4 IT IS HEREBY ORDERED that the sentencing hearing currently scheduled for
5 April 22, 2020, be vacated and continued to June 23, 2020, at the hour of 10:30 a.m. in
6 Courtroom 6C.

7 DATED this 14th day of April, 2020.

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10 HONORABLE ANDREW P. GORDON
11 UNITED STATES DISTRICT COURT JUDGE
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